

Judge Gerber/NYSB/02/USCOURTS

From: Jones, David (USANYS) <David.Jones6@usdoj.gov>
Sent: Friday, March 21, 2014 1:13 PM
To: "gerber.chambers@nysb.uscourts.gov" <gerber.chambers@nysb.uscourts.gov>
Cc: "Kuehler, Natalie (USANYS)" <Natalie.Kuehler@usdoj.gov>; "Carl Garvey (cgarvey@racertrust.org)" <cgarvey@racertrust.org>; "Maureen F. Leary" <Maureen.Leary@ag.ny.gov>; "Smolinsky, Joseph" <Joseph.Smolinsky@weil.com>; "tmayer@kramerlevin.com" <tmayer@kramerlevin.com>; "Williams, Matt J." <MJWilliams@gibsondunn.com>; "Riffkin, Linda (USTP)" <Linda.Riffkin@usdoj.gov>
Subject: In re MLC, 09-50026, courtesy copy of notice of presentment and text-manipulable version of stipulation and proposed order
Attachments: repayment date stipulation - judicial signature page only in Word.docx; stipulation extending deadline with electronically workable judicial signature line on page 21.docx; Signed stipulation modifying repayment date in ERT CD for submission to Bankruptcy Court.pdf; Corrected Notice of Presentment 03 21 2014 FINAL.pdf

Dear Judge Gerber:

I am hereby transmitting electronic versions of chambers/courtesy copies of a notice of presentment that I filed yesterday (no. 12611) and in corrected form today (12612), along with an attached stipulation and proposed order that, if approved, will extend one repayment deadline applicable to the RACER Trust by one year. I anticipate no opposition, and all still-existing signatories to the governing consent decree have signed the stipulation, reflecting their consent. Under the notice of presentment, objections are due by 11:30 March 26, and we have noticed the order for possible approval as early as March 26 at noon. I also have sent hard copies to chambers by Federal Express.

The stipulation was signed by numerous parties, some of whom are regulators, so we could only file a PDF reflecting actual signatures. Because that form of document will not easily permit inserting the Court's electronic signature if and when the Court approves the stipulation and proposed order, I attach separate Word documents for chambers' use, one constituting the full stipulation including a judicial signature line on page 21 as well as unexecuted party signature lines, and the other constituting solely the page (21) intended for the Court's signature should the Court approve the stipulation and proposed order. I also attach a copy of the notice and stipulation as filed in PDF.

If I can do anything else to facilitate this matter, please let me know. I will be traveling next Monday through Thursday, so have copied my colleague Natalie Kuehler, who may be able to assist in my absence. Ms. Kuehler's telephone number is 212-637-2741. If necessary, the matter can wait for my return on Friday, although the deadline that the stipulation extends expires on March 31.

I have copied key counsel on this email, but not the broader counsel group of all signatories on the stipulation, because I believe it is a ministerial communication that does not require broader dissemination. If the Court directs otherwise, I will of course copy the broader group of counsel.

Thank you for your consideration of this matter.

Respectfully,

David S. Jones

Entered Order:
Mr. Jones' mechanics and proposals
re notice are fully satisfactory. The
Court will consider approval of the
underlying stip at time of its presentment +
date 1
SIRTH
USBJ
3/21/2014